

Application No.: 10/521,828  
Filing Date: October 21, 2005

### REMARKS

Claims 1-9 are pending in this application. In this response, the abstract and claims 1, 4, 5 and 9 have been amended. Claims 3 and 6 have been cancelled. Consequently, claims 1, 2, 4, 5 and 7 to 9 remain under consideration. Support for the amendments to claim 1 can be found in claim 2 and claim 6, and in the specification at page 6 line 20 to page 9 line 16 and in the drawings. Therefore, no new matter has been added. Amendment of a claim is not to be construed as a dedication to the public of any subject matter.

### Objections to the Abstract

The abstract has been amended in accordance with the Examiner's comments.

### Claim Objections

Claim 1 has been amended to correct the informality identified by the Examiner in paragraph 2 of the Office Action.

### Claim Rejections - 35 USC § 102

Claims 1-9 were rejected under 35 USC 102 as being anticipated by US Patent No 3,446,386 to Wellington.

Claim 1 has been amended to specify that the waste recycling bin is "lidless"

and, further, that

*a **substantial** part of the main body of the second compartment descends into the opening of the main body of the first compartment (emphasis added)*

and, further that

*the elevated portion of the first compartment that engages the rim engaging means of the second compartment comprises two opposed elevated rim portions of opposed side walls,*

*wherein the side walls define angled portions on each side of each elevated portion which descend to the two end walls and wherein the elevated portion of the rim of the first compartment is so disposed with respect to the remaining portion of the rim that there are two openings to the first compartment on opposed sides of the second compartment which may simultaneously receive paper therethrough.*

With regards to the first amendment, the fact that the recycling bin is *lidless* is important particularly when combined with the other features of the bin. When paper is deposited in a bin with a lid, the user is generally above the access passageway to the bin. Because of that the paper is likely to be deposited vertically or near vertically and the paper will settled folded in the bin, rather than stacked. In the present invention as claimed the fact that *a substantial part of the main body of the second compartment descends into the opening of the main body of the first compartment* (a feature which is not present in Wellington) and the structure of the rim of the first compartment having the *elevated portion*, as well as *angled portions on each side of each elevated portion* which *descend* to the end walls allow waste paper to placed in the bin at an angle at which they are most likely to stack neatly one on top of each other in a space efficient manner.

Further, as amended claim 1 defines openings to the main compartment on two sides of the recycling bin it allows one bin to serve two office workers simultaneously. In contrast, the custodial unit of Wellington has a lid in the form of receptacle 84 which blocks access to the basket 74, until the "basket 74 is opened by sliding back receptacle 84..", Further in Wellington the lid/receptacle 84 can only be slid off in one direction and cannot provide access to the basket 74 from two sides at all, still less simultaneous access which is clearly not possible with the structure of Wellington. More specifically, the upward extending portion of end 90 of the basket forms a stop 92 which arrests the receptacle 84 - see Wellington column 3, lines 64 to 67.

In summary there are a number of features recited in claim 1 as amended which are not shown suggested or disclosed in Wellington, as follows:

1. the claimed recycling bin is lidless;

**Application No.:** 10/521,828  
**Filing Date:** October 21, 2005

2. a substantial part of the main body of the second compartment descends into the opening of the main body of the first compartment;

3. the two opposed elevated rim portions of opposed side walls, and the angled portions on each side of each elevated portion which descend to the two end walls; and

4. the first compartment is so disposed with respect to the remaining portion of the rim that there are two openings to the first compartment on opposed sides of the second compartment which may simultaneously receive paper therethrough.

It is respectfully submitted that all the Examiner's objections have been dealt with and that claims are in an allowable condition.

### **Conclusion**

Applicant has fully responded to each matter of substance raised in the Office Action and believes that the case is in condition for allowance. Withdrawal of the rejections and allowance of the application is therefore courteously solicited. Should the Examiner have any requests, questions or suggestions, the Examiner is invited to contact Applicant's attorney at the number listed below.

### **No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

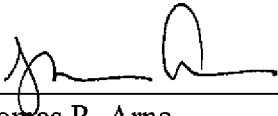
**Application No.:** 10/521,828  
**Filing Date:** October 21, 2005

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/17/08

By:   
Thomas R. Arno  
Registration No. 40,490  
Attorney of Record  
Customer No.  
(619) 235-8550

AMEND

5940472  
091708